

STATE OF HAWAII

REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

TO: Chief Procurement Officer

FROM: Department of Human Services, Social Services Division
(Department/Division/Agency)

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Description of health and human services:

The federal government requires that agencies receiving funding under the Chafee Foster Care Independence Program establish a process for allowing youth input into the planning and review of the State's foster care Independent Living Program. The Department of Human Services (DHS) receives over \$500,000 annually under this program. In Hawaii, this requirement is met through the Department's support and ongoing facilitation of the Hawaii Foster Youth Coalition (HFYC).

The HFYC is a statewide organization comprised of current and former foster youth. The organizational structure of the HFYC includes statewide membership that elects representation from each island to serve on the State Board. The goals of this youth led organization include empowering youth through the development of their leadership and advocacy skills and assisting other youth in the foster care system through advising and advocating for opportunities that will promote independent living. HFYC activities include giving testimony before the State Legislature, participating in a regional transitional living conference, presentation at the national conference for the Association of Family and Conciliatory Courts, presentations to various public and private organizations, and projects to assist youths in foster care. HFYC also participated in the DHS' kick-off conference for the federal Child and Family Service Review that was attended by representatives from DHS, DOE, DOH, the Judiciary, and many other social services agencies.

DHS is seeking an individual to be the adult advisor/facilitator who will provide guidance and program/project support to the HFYC. The advisor/facilitator must have:

- Knowledge and experience relating to the issues of youths in foster care, especially the needs of youths in transition or preparing to transition from foster care to self-sufficiency.
- Demonstrated skills in the areas of partnership, collaboration, youth advocacy, and youth empowerment.
- A history of effective interaction and collaboration with public and private agencies on behalf of foster youths.
- Demonstrated ability to effectively guide and support the members of a youth led organization in the attainment of the organization's goals.
- Demonstrated the organizational skills required to arrange, convene, facilitate, and support task and goal oriented board meetings.

Name of Service Provider	Cost:	Term of Contract:
Rhonda Nichols	\$9,000.00	From: Date of Approval To: 12/31/02

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Background:

- DHS purchased these services from Ms. Nichols as a small purchase in FY02.
- DHS was not timely in determining the ongoing need for this service for fiscal year 2003. Thus, the Department has not yet done a procurement for this service. In order to provide assistance and support to the HFYC and to avoid jeopardizing federal funding, we are requesting this exemption to contract for services as soon as possible until we can complete the required procurement.

Not Practicable /Not Advantageous:

- This is a critical period for the HFYC. They are currently in the process of establishing an organizational arrangement with The Friends of Foster Kids (FOFK), a non-profit services organization, whereby the HFYC will become a project/program of the FOFK. This arrangement will allow HFYC to receive the fiscal management and administrative oversight required to receive a grant from the Jim Casey Foundation. Ms Nichols has been instrumental in facilitating this process. A change in or absence of an adult facilitator at this time would cause delays in this process. The HFYC cannot receive funds from the Jim Casey Foundation without an agency such as FOFK as a sponsor.
- The length of time needed to establish relationships with the HFYC members and other agencies would cause delays in services for and from the HFYC. The advisor/facilitator must have a good working relationship with the HFYC. The members of the HFYC have expressed their interest in continuing the relationship with Ms. Nichols.
- Absence of an advisor/facilitator for the HFYC who has established connections with the HFYC members, foster youth, and other youth service agencies will put DHS at risk of non-compliance with the federal funding requirements of the Chafee Foster Care Independence Program. It could also make the State vulnerable to sanctions under the upcoming federal Child and Family Service Review.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

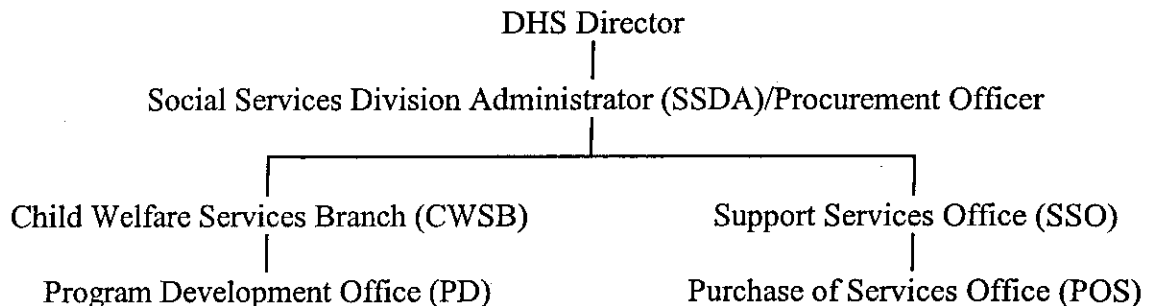
DHS wants to avoid further delays and setbacks to the activities of the HFYC. Ms. Rhonda Nichols was the advisor/facilitator providing services to the HFYC for the Department in FY02. Her qualifications include:

- Specialized year-long training in the Casey Family Program leadership Mastery Program;
- A former foster youth familiar with the concerns and issues that foster youths face;
- A history of youth advocacy;
- Familiarity and volunteer experience with the State's Independent Living Program;
- Experience developing Independent Living Program services in Hawaii.

DHS and the HFYC believe it is best that services continue to be provided by an experienced advisor/facilitator until a procurement is completed rather than hiring and training someone who is not familiar with the program, the Department, or the Coalition. For these reasons competition is impractical, and DHS would offer an exempt contract to Ms. Nichols for the period ending 12/31/02.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

ORGANIZATIONAL CHART:



PROCESS:

1. The Program Development Office (PD) and the Child Welfare Services Branch Administrator (CWSBA) identify the need to purchase services through information provided by advisory groups, social work staff, and other requests for information. These are services that are necessary for the protection and care of children who have been abused or neglected or threatened with such abuse or neglect per the Department's mandates under Chapters 346 and 587, HRS.
2. As the procurement officer, the Social Services Division Administrator (SSDA) gives approval to proceed with the purchase of services.
3. CWSBA and PD, in consultation with SSDA, determine funding needs, funding sources, start date, and term of the services.
4. PD develops the service specifications.
5. In consultation with the Department's Fiscal Management Office/Property and Procurement Staff and with the State Procurement Office as necessary, POS staff determines the most appropriate procurement method or recommends that the Department request an exemption from procurement.
6. Recommendations and requests for exemptions are drafted by POS staff and reviewed and approved by the POS Supervisor, the Support Services Office Administrator, SSDA, and the Director.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Colleen Leonardo, POS Specialist;*
David Boerner, POS Supervisor;*
Lee Dean, Assistant Program Development Administrator;*
Marquis Miyauchi, Support Services Office Administrator;
Patricia Snyder, Social Services Division Administrator; and
Susan Chandler, Director

*Staff that will be involved in the administration of the contract.

Direct questions to:

Colleen Leonardo

Phone Number:

586-5669

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR:

Yes ☐

No ☒

I certify that the information provided above is to the best of my knowledge, true and correct.

Ed Robert Kent
Department/Agency Head

9/27/02
Date

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ Approved

☐ Denied

Chen D. Fujita
Chief Procurement Officer

10/1/02

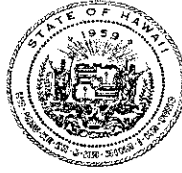
Date

cc: Administrator
State Procurement Office

Procurement Timetable for Contracts Starting 01/01/03

Activity	Due Date
RFI	10/11/02
Public notice announcing RFP	10/21/02
Distribution of RFP	10/21/02
RFP orientation session	11/01/02
Closing date for receipt of questions for written responses	11/01/02
State purchasing agency's response to applicants' questions	11/07/02
Discussions with applicant prior to proposal submittal deadline (optional)	As Needed
Proposal submittal deadline	11/22/02
Discussions with applicant after proposal submittal deadline (optional)	At DHS Option
Final revised proposals (optional)	As Needed
Proposal evaluation period	11/25/02 – 12/06/02
Notice of statement of findings and decisions	12/06/02
Contract signed by provider	12/20/02
Contract signed by DHS	12/30/02
Contract start date	01/01/03

BENJAMIN J. CAYETANO
GOVERNOR



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ADMINISTRATOR

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**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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www.state.hi.us/icsd/dags/spo.html

October 7, 2002

MEMORANDUM

TO: The Honorable Susan Chandler, Director
Department of Human Services

FROM: Aaron S. Fujioka, Administrator

A handwritten signature in black ink, appearing to read "Aaron S. Fujioka", written over the printed name in the "FROM" field.

SUBJECT: Request for Exemption from Procurement Practices, No. 03-13, HFYC Facilitator

The above-mentioned request for exemption is the fourth such request within the last four months. Each of the requests has indicated a desire to begin the contract from the date of approval of the request. This indicates extreme urgency to begin providing services. None of the services were emergency services. In addition, the service in this request was previously a small purchase. This is a concern as small purchases are meant for small one-time purchases and not for services needed on an ongoing basis that are greater than \$25,000. It could be argued this service was parceled.

Requests for exemptions are for exceptional circumstances where it is not practicable to procure through normal procedures and not for failures to plan adequately. Occasional requests such as these may be reasonable as it is not always possible to anticipate upcoming needs. However, this number of requests in such a short time, the request that the contract begin as soon as possible and requesting an exemption in order to procure for a service that was previously purchased as a small purchase indicate a pattern of inadequate planning procedures.

It should be noted that Social Services Division/POS has been in contact with the State Procurement Office and we have advised them in prior requests and have emphasized the importance of planning. We also recognize that being short-staffed during this time makes the task of completing procurements in a timely manner even more challenging.

However, failure to plan adequately is not an acceptable reason for an exemption from procurement procedures. A pattern has emerged and we want to bring this to your attention to prevent having future requests for exemption denied.

Should you have any questions, please call me at 587-4700 or your staff may contact Mara Smith at 587-4704. Thank you.

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